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EXAMINER

SING, SIMON P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/281,396	<b>Applicant(s)</b> PELLETIER, DALE T.	
	<b>Examiner</b> Simon Sing	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 20 recites the limitation "the key" in line 10. There is insufficient antecedent basis for this limitation in the claim.
2. Claims 32 and 33 recite the limitation "the light source". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-9, 12-14, 16, 18, 20-24 and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent Publication No. 5-22428 in view of Fachalos US 4,351,986 and further in view of Morgenthaler US 6,310,609.

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3.1 Regarding claim 1, Sakayori discloses a multifunction telephone 1 connecting to a PBX 7 in figure 1, comprising:

a housing (a telephone set inherently has a housing);

a dialing interface (such a PC board with electronic circuits) mounted in the housing for communicating with an interface 9 in PBX 7 (para. 0015); and

a voice message alert and retrieval device, comprising a message retrieval key 4, and a message indicator 3 associated with the message retrieval key 4, the messaging indicator 3 is activated by a voice messaging system (call management interface) in PBX 7 when a voice message for the multifunction telephone 1 is received, and when a user of multifunction telephone 1 presses the message retrieval key 4, the voice message is played to the user (para. 0014 - 0016).

Sakayori teaches a multifunction telephone but fails to explicitly teach that the multifunction telephone has a plurality of dialing keys apart from the message retrieval key. Sakayori also fails to teach that the message indicator 3 is located underneath the associated message retrieval key 4.

However, Fechalos discloses a telephone in figure 2 with a plurality of function keys (push button switches) 1-8 with associated indicators LED 1 to LED 8 apart from a plurality of dialing keys 15. Fechalos teaches that instead of placing an indicator next to its associated key (switch), the indicator may also be placed beneath its associated translucent key (column 10, lines 36-49).

In addition, Morgenthaler discloses a telephone in figure 1. Morgenthaler teaches: "Identification of appropriate keys is achieved using a light source which is

mounted beneath each translucent key so that when the light source is illuminated, the key associated with that light source will be identified to the user.” (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sakayori reference with the teachings of Fechalos and Morgenthaler, so that the multifunction telephone would have a plurality of dialing keys apart from the message retrieval key 4, and the message indicator 3 would have been located underneath its associated translucent (distinct visual impression compared to its adjoining keys) message retrieval key 4. The motivation for this modification was to enable a user to use plurality of dialing keys to make an outgoing call, and was to identify the message key to a user as taught by Morgenthaler.

3.2 Regarding claim 2-4, Sakayori teaches pressing a message retrieval key 4 to retrieve voice messages from PBX 7, but fails to teach pressing the message key 4 generates a series of predetermined dialing digits.

However, Fechalos further teaches that pressing one of the function keys SW1 – SW 11 generates a series of predetermined digits, including speed dialing (column 7, lines 1-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori reference with the teachings of Fechalos, so that press the lighted message retrieval key 4 would have generates a predetermined series dialing digits, such the extension number of the voice messaging system. The motivation for this modification was to clarify how the Sakayori's reference

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was able to access the voice messaging system, such as to program the message key 4 as a speed dialing key.

3.3 Regarding claim 6, the dialing keys of the modified multifunction telephone 1 are pushing buttons which inherently produce DTMF.

3.4 Regarding claim 7, Sakayori teaches connecting multifunction telephone 1 to interface 9 of PBX 7 by a telephone line 14 (figure 1).

3.5 Regarding claim 8, choosing different sizes with changing functionality would have been a design choice (see MPEP 2144.04 section IV, paragraph A and B, and MPEP 4144.06).

3.6 Regarding claim 9, Sakayori teaches a push button (touch sensitive) message retrieval key 4 (Sakayori, para. 0015).

3.7 Regarding claim 12, as discussed in claim 1, the messaging lamp 3 of the modified Sakayori reference is located directly beneath the message retrieval key 4.

3.8 Regarding claim 13, the modified Sakayori reference, the message indicator can be a LED (Fechalos, column 10, lines 36-49).

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3.9 Regarding claim 14, as discussed in claim 1, the messaging indicator 3 of the modified Sakayori reference is located directly beneath the message retrieval key 4.

3.10 Regarding claim 16, the modified Sakayori teaches that message indicator, which can be a LED as taught by Fechalos, but fails to teach that the indicator comprises a matrix display (multiple LEDs).

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori's reference so that multiple LEDs would have replace a single LED, because substitute multiple LEDs for a single LED would have been a matter of design choice (see MPEP 2144.06, Substitute Equivalents Known For Same Purpose).

3.11 Regarding claim 18, Sakayori discloses a multifunction telephone 1 connecting to a PBX 7 in figure 1, comprising:

- a housing (a telephone set inherently has a housing) having a connection for a telephone cord 14;

- a dialing interface (such as a PC board with electronic circuits) mounted in the housing for communicating with an interface 9 in PBX 7 (figure 1; para. 0015);

- a transceiver (by inherency, e.g. a telephone is able to transmit and receive voice signals) for communicating with PBX 7;

- a voice message alert and retrieval device integrated in the housing, comprising a message retrieval key 4, and a message indicator 3, the messaging indicator 3 is

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activated by a voice messaging system (call management interface) in PBX 7 when a voice message for the multifunction telephone 1 is received (para. 0014) (The signal for activating the message lamp inherently is received through the transceiver);

a transmitter (handset microphone and its amplifier) attached to the housing and electrically connected to the transceiver; and

a receiver (handset earpiece/speaker) attached to the housing and electrically connected to the transceiver, wherein, a single action (pressing) of the message retrieval key 4 caused the voice message to be played to the user through the receiver/speaker (para. 0015, 0016).

Sakayori teaches a multifunction telephone but fails to explicitly teach that the multifunction telephone has a plurality of dialing keys apart from the message retrieval key 4. Sakayori also fails to teach that the message indicator 3 is located underneath the associated message retrieval key 4.

However, Fechalos discloses a telephone in figure 2 with a plurality of function keys (push button switches) 1-8 with associated indicators LED 1 to LED 8 apart from a plurality of dialing keys 15. Fechalos teaches that instead of placing an indicator next to its associated key (switch), the indicator may also be placed beneath its associated translucent key (column 10, lines 36-49).

In addition, Morgenthaler discloses a telephone in figure 1. Morgenthaler teaches: "Identification of appropriate keys is achieved using a light source which is mounted beneath each translucent key so that when the light source is illuminated, the key associated with that light source will be identified to the user." (Abstract).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sakayori reference with the teachings of Fechalos and Morgenthaler, so that the multifunction telephone would have a plurality of dialing keys apart from the message retrieval key 4, and the message indicator 3 would have been located underneath its associated translucent (distinct visual impression compared to its adjoining keys) message retrieval key 4. The motivation for this modification was to enable a user to use the plurality of dialing keys to make an outgoing call, and was to identify the message key to a user as taught by Morgenthaler. And choosing different shapes between the message key 4 and the plurality of dialing keys would have been a matter of design choice (see MPEP 2144.04 section IV, paragraph B).

3.12 Regarding claim 19, Sakayori discloses a multifunction telephone 1 connecting to a PBX 7 in figure 1, comprising:

a message indicator 3 (message waiting light) 3; and

a message retrieval key 4 (first key), and when a user of multifunction telephone 1 presses the message retrieval key 4, the voice message(s) is played to the user through the telephone (para. 0014, 0015, 0016).

Sakayori teaches a multifunction telephone but fails to explicitly teach that the multifunction telephone has a plurality of dialing keys apart from the message retrieval key 4. Sakayori also fails to teach that the message indicator 3 is located underneath the associated message retrieval key 4.

However, Fechalos discloses a telephone in figure 2 with a plurality of function keys (push button switches) 1-8 with associated indicators LED 1 to LED 8 apart from a plurality of dialing keys 15. Fechalos teaches that instead of placing an indicator next to its associated key (switch), the indicator may also be placed beneath its associated translucent key (column 10, lines 36-49).

In addition, Morgenthaler discloses a telephone in figure 1. Morgenthaler teaches: "Identification of appropriate keys is achieved using a light source which is mounted beneath each translucent key so that when the light source is illuminated, the key associated with that light source will be identified to the user." (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sakayori reference with the teachings of Fechalos and Morgenthaler, so that the multifunction telephone would have a plurality of dialing keys apart from the message retrieval key 4, and the message indicator 3 would have been located underneath its associated translucent (distinct visual impression compared to its adjoining keys) message retrieval key 4. The motivation for this modification was to enable a user to use the plurality of dialing keys to make an outgoing call, and was to identify the message key to a user as taught by Morgenthaler. And choosing different sizes and shapes between the message key 4 and the plurality of dialing keys would have been a matter of design choice (see MPEP 2144.04 section IV, paragraph A and B).

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3.13 Regarding claim 20, Sakayori discloses a multifunction telephone 1 connecting to a PBX 7 in figure 1, comprising:

- a message indicator 3 (message waiting light) 3;

- a message retrieval key 4; and

- a speaker (a telephone inherently has a speaker, either a built-in speaker for speakerphone operation, or the earpiece in a handset), wherein said message lamp is activated by a voice messaging system in PBX 7 when a voice message for the multifunction telephone 1 is received, and when a user of multifunction telephone 1 presses the message retrieval key 4, message(s) is played to the user through the speaker (para. 0014, 0015, 0016).

Sakayori teaches a multifunction telephone but fails to explicitly teach that the multifunction telephone has a plurality of dialing keys apart from the message retrieval key 4. Sakayori also fails to teach that the message indicator 3 is located underneath the associated message retrieval key 4.

However, Fechalos discloses a telephone in figure 2 with a plurality of function keys (push button switches) 1-8 with associated indicators LED 1 to LED 8 apart from a plurality of dialing keys 15. Fechalos teaches that instead of placing an indicator next to its associated key (switch), the indicator may also be placed beneath its associated translucent key (column 10, lines 36-49).

In addition, Morgenthaler discloses a telephone in figure 1. Morgenthaler teaches: "Identification of appropriate keys is achieved using a light source which is

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mounted beneath each translucent key so that when the light source is illuminated, the key associated with that light source will be identified to the user.” (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sakayori reference with the teachings of Fechalos and Morgenthaler, so that the multifunction telephone would have a plurality of dialing keys apart from the message retrieval key 4, and the message indicator 3 would have been located underneath its associated translucent (distinct visual impression compared to its adjoining keys) message retrieval key 4. The motivation for this modification was to enable a user to use the plurality of dialing keys to make an outgoing call, and was to identify the message key to a user as taught by Morgenthaler. And choosing different shapes between the message key 4 and the plurality of dialing keys would have been a matter of design choice (see MPEP 2144.04 section IV, paragraph B).

3.14 Regarding claim 21, choosing different shapes between different keys would have been a matter of design choice (see MPEP 2144.04 section IV, paragraph B).

3.15 Regarding claims 22 and 23, Sakayori teaches that the message retrieval key 4 is spaced with different distances from adjoining key 5 and function keys 6.

3.16 Regarding claim 24, Sakayori teaches a PBX based voice messaging system (para. 0014 and 0015).

3.17 Regarding claim 27, as discussed in claim 1, the message key of the modified Sakayori reference comprises a translucent material.

3.18 Regarding claim 28, the modified Sakayori reference, the modified message retrieval key 4 inherently has a downward surface, such as its side surface, and the light from indicator 3 located underneath is passing through the downward surface.

3.19 Regarding claim 29, the modified Sakayori reference, Fachalos teaches an indicator can be from any light source, including LED (column 10, lines 36-43).

3.20 Regarding claim 30, Sakayori teaches lighting up the message lamp when a voice message is recorded (para. 0014).

3.21 Regarding claim 31, as discussed in claim 20, the message key comprises a translucent material.

3.22 Regarding claim 32, the modified Sakayori reference, the modified message retrieval key 4 inherently has a downward surface, such as its side surface, and the light from lamp 3 underneath is passing through the downward surface.

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3.23 Regarding claim 33, the modified Sakayori reference, Fachalos teaches an indicator can be from any light source, including LED (column 10, lines 36-43).

3.24 Regarding claim 34, Sakayori teaches a plurality of function keys 6 in figure 1.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Fachalos US 4,351,986 and further in view of Morgenthaler US 6,310,609 and further in view of Christain et al. US 4, 363,936.

The modified Sakayori reference, teaches playing a voice message to a user through the multifunction telephone 1, but fails to teach that the multifunction telephone 1 has a speaker mounted in the housing.

However, Christain discloses a multifunction telephone 16 in figure 2. Christain teaches a speaker for the multifunction telephone 16 in figure 3 (column 8, lines 57-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sakayori reference with the teaching of Christain, so that the multifunction telephone 1 would have comprised a speaker mounted in the housing, because such a modification would have provided a hands free operation for a user without changing the message retrieval function of Sakayori.

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5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Fachalos US 4,351,986 and further in view of Morgenthaler US 6,310,609 and further in view of Burgess, US Patent 6,031,465.

The modified Sakayori reference, teaches mounting light source underneath a message retrieval key, but fails to teach that the retrieval key comprises a membrane switch.

However, the Burgess reference discloses a keyless entry system for vehicles in that membrane switches with backlight are used (figures 1,3, 5 and column 6, lines 9-11 and lines 24-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori's reference with the teaching of Burgess so that the message button could be a membrane one, because using a membrane switch instead of a push button switch was a design choice since it would not have changed the functionality of the message retrieval key (see MPEP 2144.06, Substitute Equivalents Known For Same Purpose).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Fachalos US 4,351,986 and further in view of Morgenthaler US 6,310,609 and further in view of Welch US 5,938,772.

The modified Sakayori reference teaches a lighted message retrieval key, but fails to teach that message key comprises a graphical icon.

However, Welch discloses a voice messaging system and teaches that when a voice message is received, a voice message waiting light 286 mounted under a translucent message button 280 is lighted, and when the message button 280 is pressed, the voice message is played back to a user (column 5, lines 44-49, column 12, lines 8-10, 20-25, 32-34). Welch further teaches that the message button 280 comprises a graphical icon (figure 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori's reference with the teaching of Welch so that the message retrieval key button would have comprised an graphical icon, because such a modification would have identified the key as a message key to a user.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Fachalos US 4,351,986 and further in view of Morgenthaler US 6,310,609 and further in view of Charlier US 5,153,590.

The modified Sakayori reference, teaches mounting light source underneath a message retrieval key, but fails to teach using a LED and a light pipe to direct the light to the upper surface of the message key.

However, the Charlier reference in figure 1, discloses a keypad apparatus in that lights from LEDs are directed by a light pipe element 105 to the keys' elements 103 (column 3, lines 47-49).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori reference with the teaching of Chalier so that the light source assembly would have comprised a LED and a light pipe so that the light would have been directed to the upper surface of the message key, because such a modification would have enabled a user to mount a light source away from the message key in case a message key assembly did not include a light source and also did not have room to put one in (also see MPEP 2144.06, Substitute Equivalents Known For Same Purpose).

8. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Fachalos US 4,351,986 and further in view of Morgenthaler US 6,310,609 and further in view of Kavanaugh et al. US 6,223,233.

The modified Sakayori reference, teaches mounting light source underneath a message retrieval key, but fails to teach that the message retrieval key comprises a touch screen and the light source comprises liquid crystal (LCD) elements (matrix).

However, the Kavanaugh reference, a wallet for personal information device in figure1, comprises a LCD touch-panel 12 (column 2, lines 1-2) and states in column 4, lines 37-39: "The user selects any one of the displayed icons to implement the corresponding organizer feature".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori reference with the teaching of Kavanaugh so that the message button could be an icon on a touch-panel and the light source was a LCD element, because such a modification would have enabled a user to identify the media type of a message on a LCD display, if the call message interface could generate different icons for different messages such as voice mail, e-mail or call-back to an extension telephone.

9. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauritsen et al. US 5,570,025 in view of Buhrmann US 6,405,032.

Lauritsen discloses a cellular telephone, comprising a message indicator LED 46 (message waiting light, or light source) located underneath a voice message key 18 (Abstract; figures 1 and 2), and a plurality of dialing keys in oval shape, wherein the message key 18 is translucent, allowing light from LED 46 to pass through. Lauritsen further teaches pressing the message key generates a speed dialing sequence (column 1, lines 54-64; column 3, lines 11-13, 22-26, 53-55, 64-67; column 4, lines 1-3, 9-11; column 5, lines 53-55).

Lauritsen fails to teach that the message key 18 is spaced away from the dialing keys and is larger than the dialing key.

However, Buhrmann discloses a telephone set 10 for communicating with network 22 in figure 1, comprising:

a rectangular VMS ACCESS key (first key) (figure 1; column 2, line 44), which when pressed by a user, causes transmission of a speed dial access (message retrieval signal) to voice messaging system 23 to cause voicemail messages to be provided to the user (column 2, lines 52-54, 63-67; column 3, lines 1-13);

a plurality of dialing keys 14 spaced away from the VMS ACCESS key, and the VMS ACCESS key is larger than the dialing keys.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Lauritsen's reference with the teaching of Buhrmann, such that a message key with message indicator would have been larger than, shaped differently and spaced away from the dialing keys, because choosing different sizes and shapes of the different keys would have been a matter of design choice (see MPEP 2144.04 section IV, paragraph A), and whether the message key was integral with, or separable from the dialing key would also have been a matter of design choice (see MPEP 2144.04 section V, paragraphs B and C).

10. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Fachalos US 4,351,986 and further in view of Morgenthaler US 6,310,609 and further in view of Corwith US 5,612,995.

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10.1 Regarding claim 25, the modified Sakayori reference, teaches mounting the message waiting indicator 3 underneath the message retrieval key 4, but fails to teach that the indicator is powered by a telephone line.

However, Corwith discloses a message waiting lamp 161 in figure 2. Corwith teaches that the lamp 161 is powered by a telephone line (column 1, lines 38-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori reference with the teaching of Corwith so that the message indicator 3 would have been powered by a telephone line, because such a modification would have clarified where the message indicator 3 received its power source.

10.2 Regarding claim 26, Sakayori teaches a message indicator 3, which indicates a missed call forwarded to a voice messaging system (para. 0014).

### ***Response to Arguments***

11 Applicant's arguments, see Pre-brief Conference Request filed on 05/15/2006, with respect to claims 1-34 have been fully considered and are persuasive. The final rejection of claims 1-34 has been withdrawn.

12. Applicant's arguments with respect to claims 1-34 regarding a plurality of dialing keys have been considered but are moot in view of the new ground(s) of rejection.

13. Applicant's arguments regarding commercial success filed on 09/26/2005 and 05/15/2006 have been fully considered but they are not persuasive.

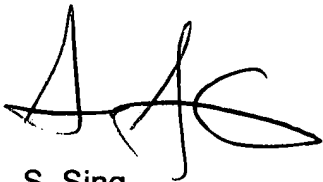
In Remark filed on 9/26/2005, Applicant discloses several brands of telephones (including the claimed limitation of a lighted message key apart from a plurality of dialing keys) on the market, and argues that commercial success is a compelling objective evidence of the nonobviousness of the current invention.

However, as presented by the Applicant in Remark, (see page 11 of 16, user comment from Mr. John Savage, President of Pacific Hospitality Group), the commercial success is not purely based on a lighted message key, but rather based on a "One-Touch Voicemail Retrieval Technology" in that a touch of a lighted message key activates voice message retrieval and activates a speaker so that a user can listen to a voice message without lifting a telephone handset. The One-Touch" feature was not disclosed in the Specification nor in the original Claims by the Applicant. Therefore, the commercial success argument was invalid.

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**Conclusion**

14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7545. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

09/29/2006



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 26P.